

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

JOSEPH BALBACK, Individually and as :
Husband to JOAN BALBACK and JOAN :
BALBACK, Individually and as wife to :
JOSEPH BALBACK, et al. :
Plaintiffs, :
v. : C.A. No.: S18C-06-034 RFS
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC. and :
MOUNTAIRE CORPORATION, :
Defendants. :

JOHN ALBRIGHT, JAY ASHTON :
ALBRIGHT and DINA MORRISON, :
Plaintiffs, : C.A. No.: S18C-08-033 RFS
v. :
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC., and :
MOUNTAIRE CORPORATION, :
Defendants. :

RICHARD DAVIS, :
Plaintiffs, :
v. : C.A. No.: S19C-04-035 RFS
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC., and :
MOUNTAIRE CORPORATION, :
Defendants. :

**DEFENDANTS' MOUNTAIRE CORPORATION¹,
MOUNTAIRE FARMS OF DELAWARE, INC.
AND MOUNTAIRE FARMS INC.,
MOTION FOR A GAG ORDER**

Defendants, Mountaire Corporation, Mountaire Farms of Delaware, Inc. and Mountaire Farms Inc. (hereinafter “Defendants”), by and through their undersigned counsel, hereby move this Honorable Court for a Gag Order. In support of the Motion, Defendants respectfully represent:

1. Defendants seek relief from the Court regarding Plaintiffs’ and their counsel’s misleading, technically flawed, and inappropriate public statements and participation in news media coverage of this litigation that violates Rule 3.6 of the Delaware Lawyers’ Rules of Professional Conduct (“Rule 3.6”). Defendants’ counsel has tried to resolve this matter directly with Plaintiffs’ counsel without having to involve the Court. Those efforts proved unsuccessful. Plaintiffs refused to enter into a Stipulated Gag Order, arguing that the order should apply only to attorneys and those acting in a public relations capacity for either side but should not apply to the parties themselves. Defendants request that the Court issue a gag order in the form and substance issued in *Cuppels v. Mountaire Corp., et al.*, C.A. No.

¹Mountaire Corporation does not concede personal jurisdiction through participation in this Motion.

S18C-06-009 RFS on October 30, 2018², which precludes the attorneys, experts, consultants, and witnesses for both parties, the individual Plaintiffs, the officers of Defendants, and any persons or entities acting on behalf of Defendants in a public relations capacity from publicly commenting in any manner that is inconsistent with Rule 3.6 while these lawsuits, as well as the consent decree currently being litigated between DNREC and Defendants in this Court, are pending.

2. On or about June 18, 2019, a partisan political organization identified as the “Rebel HQ” published a YouTube video negatively and inaccurately portraying Defendants.³ This video prominently featured a number of Balback Plaintiffs, as well as counsel for Plaintiffs, Christopher Nidel. The video was adopted by the Gannett News Organization, parent company to The News Journal, and on June 20, 2019, an article appeared in DelawareOnline, which featured the video. The video and related article were published to an audience which included the greater Millsboro, Delaware area, the likely source of the jury pool for this case. As can be seen from the transcript of the video and the online article, it is clear that

² See also February 5, 2019 Order denying Defendants’ Motion for Reconsideration in *Cuppels v. Mountaire Corp., et al.*, C.A. No. S18C-06-009 RFS.

³ See Rebel HQ, *Top Trump Donor POISONS Rural Delaware*, YouTube (June 18, 2019), <https://www.youtube.com/watch?v=lhlkBZ65ljo>. Rebel HQ published a second video on June 20, 2019, which was very similar to the video published on June 18. See Rebel HQ, *How is Mountaire Getting Away With It?*, YouTube (June 20, 2019), <https://www.youtube.com/watch?v=hX1bfIliIPg&t=46s>.

the substance of the publications are one-sided in that they are highly critical of Defendants and the chicken processing facility in Millsboro, Delaware and highly sympathetic to the several featured Plaintiffs in the piece. (A copy of the transcript of the June 18, 2019 video, the June 20, 2019 video, and the online article are attached hereto as Exhibits A, B, and C, respectively.)

3. As a direct result of this news broadcast, Defendants' counsel spoke with Plaintiffs' counsel in an effort to restore civility and avoid a media battle. Defendants' counsel suggested that the parties stipulate to the Court's entry of a gag order in the form and substance issued by this Court in *Cuppels*. Plaintiffs' counsel refused to enter into the requested stipulation contending it should apply only to attorneys, thus affording their clients the ability to publicly comment about the litigation. Ironically, Defendants made this same argument in *Cuppels*, which the Court rejected in issuing a gag order that applies to both the parties and their respective counsel.

4. It is clear that Plaintiffs' intent is to influence public perception about the issues central to this pending litigation against Defendants. The substance of Rebel HQ's and The News Journal's coverage misrepresented as facts many of the technical and substantive issues that are in dispute.

6. Plaintiffs' and their counsel's involvement with The News Journal's story is a clear attempt to prejudice the jury pool and legal proceedings as a whole.

7. Defendants are seeking a gag order to prohibit the attorneys, experts, consultants, and witnesses for both parties, the individual Plaintiffs, the officers of Defendants, and any persons or entities acting on behalf of Defendants in a public relations capacity from making any further public statements about the proposed consent decree, efforts to remediate or improve Mountaire Farms of Delaware, Inc.'s processing facility, and any other matters material to both the consent decree and the instant lawsuit that are inconsistent with Rule 3.6. *See Sokolove v. Marenberg*, 2013 WL 6920602, at *2 (Del. Super. Ct. Dec. 20, 2013). This is necessary to protect the fairness of these judicial proceedings.

WHEREFORE, Defendants request that the Court issue a Gag Order in the form and substance issued by this Court in *Cuppels v. Mountaire Corp. et al.*, precluding the parties and their counsel from engaging in public-relations, marketing, advertising, or other media efforts while this and any related proceedings, including the consent decree and the *Cuppels* litigation, are pending.

Dated: August 2, 2019

Respectfully submitted,

PHILLIPS, GOLDMAN, McLAUGHLIN
& HALL, P.A.

/s/ Robert S. Goldman

John C. Phillips, Jr., Esquire (#110)
Robert S. Goldman, Esquire (#2508)
Lisa C. McLaughlin, Esquire (#3113)
1200 North Broom Street
Wilmington, DE 19806
Telephone: 302-655-4200

-and-

F. Michael Parkowski, Esquire (#7)
Michael W. Teichman, Esquire (#3323)
Elio Battista, Jr., Esquire (#3814)
PARKOWSKI, GUERKE & SWAYZE, P.A.
1105 North Market Street, 19th Floor
Wilmington, DE 19891
Telephone: (302) 594-3300
Attorneys for Defendants

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

JOSEPH BALBACK, Individually and as :
Husband to JOAN BALBACK and JOAN :
BALBACK, Individually and as wife to :
JOSEPH BALBACK, et al. :
Plaintiffs, :
v. : C.A. No.: S18C-06-034 RFS
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC. and :
MOUNTAIRE CORPORATION, :
Defendants. :

JOHN ALBRIGHT, JAY ASHTON :
ALBRIGHT and DINA MORRISON, :
Plaintiffs, : C.A. No.: S18C-08-033 RFS
v. :
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC., and :
MOUNTAIRE CORPORATION, :
Defendants. :

RICHARD DAVIS, :
Plaintiffs, :
v. : C.A. No.: S19C-04-035 RFS
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC., and :
MOUNTAIRE CORPORATION, :
Defendants. :

PROPOSED FORM OF ORDER

AND NOW this _____ day of _____, 2019, having heard and considered Defendants' Motion for a Gag Order and any response thereto;

IT IS HEREBY ORDERED that Defendants' Motion for a Gag Order is GRANTED in the form and substance issued by this Court in *Cuppels v. Mountaire Corp. et al.*, C.A. No. S18C-06-009 RFS on October 30, 2018. Thus, the attorneys, experts, consultants, and witnesses for both parties, the individual plaintiffs, the officers of the defendants, and any persons or entities acting on behalf of defendants in a public relations capacity henceforth shall not publicly comment in any manner on this case except in accordance with Rule 3.6.¹ In particular, these named individuals and/or entities may not make any comments or issue any statements which attempt to sway the citizens of Delaware toward accepting their position in connection with this litigation.

ALICIA B. HOWARD, COMMISSIONER

¹ The Court does not extend this order to all of defendants' employees. If, however, it comes to the attention of the Court that any employee is arguing defendants' case to general members of the public, then the Court will extend this order to that specific employee.

EXHIBIT A

TRANSCRIPT OF NEWSCAST
“Top Trump Donor Poisons Rural Delaware”

TYT Correspondent Emma Vigeland: I'm here in Sussex County, Delaware in the southern part of the state, where Mountaire Farms one of the top ten chicken producers in the entire country is headquartered right behind me. And they have basically been spraying contaminants into the open farm fields for around two decades now and Mountaire Farms is actually Donald Trump's fifth largest contributor to his 2016 campaign, having donated around two million dollars, a little over it, in fact.

Interview with Resident, Preston Wise

Emma Vigeland: This is solid waste?

Preston Wise: Yes.

Emma Vigeland: Being sprayed

Preston Wise: Yes, sprayed onto the corn fields not even more than 30 yards from my house. And you can walk from my house to where it's located. I don't think it's more than 30 yards.

Interview with Resident, Faye Burton

Emma Vigeland: This property's been in your family for 100 years?

Faye Burton: Yes, since I was a baby. The doctor, when I went to the doctor two weeks ago, she told me that I had asthma. Who gets asthma at 74 years old, you get asthma when you're young. And like in the morning my wheezing wakes me up. I am constantly wheezing and I was trying to sing in church on Sunday. I couldn't sing because of my voice. I just want to know I don't have cancer in my lungs because this is my thing, my voice is not the same what it used to be.

Interview with Resident, Gina Burton

Gina Burton: I had an uncle who had prostate cancer to an Aunt that lost both of her legs due to lack of oxygen, to an uncle with dementia, to a brother-in-law who had stents put in his heart and diagnosed with diabetes, diagnosed with um Asthma at a late stage of his life. My daughter had an extra ear in the back of her ear and I had it removed when she was at the age of 8. I lost my son due to asthma. He died of an acute asthma attack.

Emma Vigeland: How old was he?

Gina Burton: He was 24 years old. Um, and I didn't even think that people could even die from asthma. I didn't think he could die from asthma but he died from an acute asthma attack. He was diagnosed as mentally and physically disabled at a young age, um due to the lack of oxygen to the brain.

Interview with Resident, Kerri Evelyn Harris

Kerri Evelyn Harris: The way the wells work it filters through our grass and our dirt. Which is historically actually been a good system of drinking, and it's been clean and crisp, but when you have over production of chicken and we have farms spraying waste onto their produce and then it leaks into the system. People drink it. It is no longer a sound way of receiving the water. It is no different from having led in your pipes um because it's still a toxin.

Interview with Christopher Nidel of Nidel & Nace, P.L.L.C.

Emma Vigeland: So they tested the wells and the majority of the people here get their water from well water. And at least 60% of the wells were contaminated with nitrates, which causes a lack of oxygen and a lot of these diseases that we are seeing in these residents.

Christopher Nidel: So Blades is a town in Delaware that had contamination of PFOAs or PFOS so these perflorinated compounds that was coming from industry there and literally they brought out the National Guard. And yet the State was testing wells in Millsboro finding relevant water that were number one not potable but number two unsafe for people to drink and unsafe for people to use and yet relatively nothing has been done, right, so...

Emma Vigeland: And Blades is a much wealthier area?

Christopher Nidel: Blades is a very different community.

Interview with Resident, Joanne Haynes

Joanne Haynes: They don't want to hear us. They don't, The Democrats, The Republicans, The Independents, they don't want to hear us. They shut us down or they get nasty. And they just don't want to hear us. They are tired of hearing us. And what can you do. I feel like I am hitting my head against a brick wall. It's all corporate.

Emma Vigeland: There are hundreds of lawsuits being leveled at Mountaire by the residents in this community and you can really see why.

Interview with Resident, Gina Burton

For the last 10 about 10 to 12 years I have to wear a wig because my hair falls out. My hair been falling out. Um, it is just terrible but, um that's all I'm saying.

Interview with Resident, Joanne Haynes

Newspaper turned around and said that they wanted the signs taken off because it causing a problem with the real estate. Why did they put up no fishing, no swimming, don't eat crabs and don't swim, why, because it is all cancer. The whole area where those signs were, and the realtors took a fit. They took them down. I don't know how the cancer is now, but it sure did not disappear overnight.

EXHIBIT B

TRANSCRIPT OF NEWSCAST
“How is Mountaire Getting Away With It”

TYT Correspondent Emma Vigeland: So, the water here is not able to sustain pretty much any life - it used to be able to but because the run off is so extreme the water's just dead. It is basically just a mud marsh at this point.

Interview with Christopher Nidel of Nidel & Nace, P.L.L.C.

Christopher Nidel: Mountaire likes to say that there's always been a high level of nitrates, right. However, what you see when you look at the history, is that the levels of nitrates although they were elevated were nothing like they've become. Right, so what Mountaire did was they brought in these processes and they brought in these wastes - there were months where they added more to a field that they were allowed to add for the entire year. If you look at sort of what the definition of the problem is, it's nitrogen in the water, and you look at what they were seeking permits to do, it was add more nitrogen to the water. It doesn't take a rocket scientist to put together that adding nitrogen to a problem, of nitrogen, is going to cause an even bigger problem.

Interview with Resident, Gina Burton

Gina Burton: It's been hard on our family and it's been stressful. She has to bath her baby in bottle water, you wash the baby's clothes in bottle water. You can't use your own water. I mean, my family's house is brand new and they can't even utilize it to its full ... you know. Everything is bottle water.

Interview with Resident, Preston Wise

Preston Wise: I had to replace three hot water heaters while this water . . .

Emma Vigeland: In what time, what span of time?

Preston Wise: Yes, in the time I've been back here, 2001 to 2019.

Emma Vigeland: Wow.

Preston Wise: As of this date I have replaced three hot water heaters, why they won't hold up.

Interview with Maria Payan, Consultant, Socially Responsible Agricultural Project

Maria Payan: They said they had to put in an emergency flood pond that is going to be here for two years where the neighbors are going to smell it while they are correcting their mess from not operating it correctly. I don't hear it, I said, if it's an emergency bring 500 trucks in, load the stuff up and take it out of here. Why are you going to put a flood pond in a flood plain next to the Indian River and have the neighbors smell all this for two years because of their mistake. They're breathing this in.

Emma Vigeland: But trucking it out would cost money?

Maria Payan: It would cost money, of course it would.

Interview with Resident, Gina Burton

Gina Burton: Any time I'm riding my grandkids in my car and they cover up their mouths on a Sunday from church, and they cover up their noses because the smell is so horrible. These three years old and six years old, they can tell the smell is so horrible that they cover up their noses. I mean it's terrible. You cannot enjoy this air.

Interview with Resident, Faye Burton

Faye Burton: They do not care. All they care about is like the plant and what is going on over there. They're not worrying about our health, the problems that we have - when we call them, they're gonna do something. They don't do anything.

Emma Vigeland: Another thing is that people are fearful of speaking out against Mountaire because it is such a large piece of industry in this community, especially farmers because even though their land is being polluted by this poison and this runoff that's going into their crops, Mountaire is so powerful, that they don't really what to say anything.

Interview with Resident, Joanne Haynes

Joanne Haynes: Corporate power is Delaware. They don't care for the residents unless you are working for them. We have said everything what they're doing to the water. Some buildings are over the water, and they don't care. They do not care about residential. Alls they care is the pocket money that they are going to get out of corporate.

Interview with Resident, Gina Burton

Gina Burton: We need people in high ranks to do something, to make something happen. We don't, you know, want to put people out of jobs, but we want justice, you know, for my family and this community, Sussex County.

Interview with Resident, Faye Burton

Faye Burton: Because this property has been in your family for so many years.

Emma Vigeland: Someone who does not know the situation might say, well why don't you pack up and move? That's not realistic for you?

Faye Burton: No, it is not realistic, no, you put too much money into the property, you move back here, you built your home. So, if somebody wanted to buy your house, how are they gonna do that? They're gonna have the same issues.

EXHIBIT C

FOR SUBSCRIBERS

Progressive group accuses Mountaire of poisoning rural Delaware, points to Trump ties

Top Trump Donor POISONS Rural Delaware



[Jessica Bies, Delaware News Journal](#) Published 6:00 a.m. ET June 20, 2019 | Updated 9:14 a.m. ET June 20, 2019

A progressive news organization, [The Young Turks](#) (<https://tyt.com/>), posted a video on YouTube Tuesday accusing [Mountaire Farms](#) (<https://mountaire.com/>) of poisoning rural Delaware.

The video, which as of Wednesday afternoon had nearly 24,000 views, was a segment on [Rebel HQ](#) (<https://www.youtube.com/channel/UCuMo0RRtnNDuMB8DV5tEag>), an "on-the-road" political commentary and interview program originally created to cover the 2016 U.S. presidential campaign.

It is hosted by [Emma Vigeland](#) (https://twitter.com/EmmaVigeland?ref_src=twsr%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor), a correspondent and producer for The Young Turks.

In the video, she accuses Mountaire of giving its residential neighbors tumors and asthma, as well as causing deaths. The Sussex County company is one of the largest chicken producers in the United States.



Mountaire Farms is facing lawsuits over water pollution claims and testing found high levels of nitrates in local well water.

"They've basically been spraying contaminants into these open farm fields for around two decades now," Vigeland says in the video, which was filmed in Sussex County.

Vigeland also says Mountaire was President Donald Trump's fifth-largest donor in the 2016 election, a fact supported by multiple media reports and campaign filings.

Mountaire responded to the video in a statement: "Most of what's contained in this video comes under the category of fake news. It's certainly not unbiased reporting, and frankly, we're surprised the News Journal would give it any credibility. The two lawsuits against Mountaire Farms concerning wastewater issues will be decided in court, not on YouTube."

The Young Turks have accused Republicans and Democrats alike of furthering their corporate donors' interests, rolling back Environmental Protection Agency regulations seen as burdensome to big businesses.

Mountaire Corp. and its CEO Ronald M. Cameron donated more than \$2 million to Trump's campaign and political action committees supporting him, according to opensecrets.org (<https://www.opensecrets.org/pres16/contributors?id=N00023864>). Since taking office, Trump has rolled back more than 80 environmental rules and regulations and recently suspended plans to reevaluate outdated standards around nitrates, which are found in animal waste such as that sprayed onto fields by Mountaire Farms.

The News Journal has documented the pollution at Mountaire Farms' chicken plant near Millsboro. The company is facing lawsuits for violating state and federal environmental laws, which private attorneys argue have caused health problems among neighbors and contaminated their drinking water.

Buy Photo



A photo showing solid waste being sprayed on to a field is held up for all to see during a meeting with Mountaire Farms officials to discuss high levels of nitrates in the ground water. (Photo: Jason Minto, The News Journal)

Excess nitrates in drinking water are known to reduce the blood's ability to carry oxygen to all parts of the body. For some, exposure can lead to decreased blood pressure, cramps, trouble breathing and even death, according to the Centers for Disease Control and Prevention.

Pregnant women and nursing mothers are at the highest risk because babies are prone to methemoglobinemia, commonly called "blue baby syndrome," which can be easily treatable in most cases, but also potentially fatal. Other scientific studies have found a link between nitrate levels below the national drinking water standard and birth defects such as limb deficiencies, cleft palates and brain damage.

One of the lawsuits against Mountaire lists the specific health impacts, nuisances and property value damages suffered by each of the 80 people, plus more than a dozen children, named in the case.

The lawsuit outlines how Mountaire's neighbors have suffered from the nuisance of dealing with dust and odor and argues that the pollution contributed to the death of Kiwanis Burton, who was 24 years old when he died of an acute asthma attack in 2014.

"Mountaire's use and disposal of these wastes in an area where they knew or should have known that citizens relied exclusively on well water for cooking, drinking and cleaning and where residents recreate, live, and breathe in the local air impacted by Mountaire and its activities is an abnormally dangerous and/or ultrahazardous activity and an absolute nuisance," the lawsuit states.

In the video, Vigeland talks to Faye Burton, a relative who says she was recently diagnosed with asthma, as well. She also talks to Gina, Kiwanis' mother.

ADVERTISING

6/20/2019

Progressives accuse Mountaire of poisoning Delaware, point to Trump ties

Gina Burton has previously told The News Journal that she also wonders whether her own persistent health problems – stomach issues and vomiting – could be related to the water. Or if the fact that her daughter was born with an extra ear could have something to do with growing up near water and air pollution from the plant.

The Young Turks video also features Kerri Evelyn Harris, a progressive newcomer who ran against U.S. Sen. Tom Carper in the 2018 election.

"When you have overproduction of chickens, when you have farms spraying waste onto their produce and it leaks into the system, people drink it, and it's no longer a sound way of receiving your water," Harris told Vigeland.

Mountaire officials have said that "contrary to the impression given by the ([Delaware Center for the Inland Bays 2017 Mountaire Pollution](https://www.inlandbays.org/mountaire-contamination-report/) (<https://www.inlandbays.org/mountaire-contamination-report/>)) report, groundwater nitrate levels in and around Millsboro are elevated due to historic agricultural practices that existed for generations, along with the use of septic systems and cesspools."

The Young Turks said on YouTube that it would soon be releasing more footage from its trip to Sussex County at [YouTube.com/RebelHQ](https://www.youtube.com/RebelHQ) (<https://www.youtube.com/RebelHQ>).

Full coverage on Mountaire Farms

In November 2017, a violation came out from the Delaware Department of Natural Resources and Environmental Control, accusing the company's chicken processing plant in the Millsboro area of chronic permit violations and mismanagement resulting in pollution of groundwater.

Here's what's happened since then:

November 2017: [DNREC finds high levels of fecal coliform at Sussex plant](https://www.delawareonline.com/story/money/business/2017/11/10/mountaire-farms-polluting-sussex-county-groundwater-state-says/848548001/) ([/story/money/business/2017/11/10/mountaire-farms-polluting-sussex-county-groundwater-state-says/848548001/](https://www.delawareonline.com/story/money/business/2017/11/10/mountaire-farms-polluting-sussex-county-groundwater-state-says/848548001/))

December 2017: [Millsboro neighbors: How long have we been drinking tainted water?](https://www.delawareonline.com/story/news/local/2017/12/08/millsboro-neighbors-how-long-have-we-been-drinking-tainted-water/926204001/) ([/story/news/local/2017/12/08/millsboro-neighbors-how-long-have-we-been-drinking-tainted-water/926204001/](https://www.delawareonline.com/story/news/local/2017/12/08/millsboro-neighbors-how-long-have-we-been-drinking-tainted-water/926204001/))

[Millsboro-area neighbors don't trust Mountaire to clean their water](https://www.delawareonline.com/story/news/local/2017/12/12/millsboro-area-neighbors-dont-trust-mountaire-clean-their-water/944250001/) ([/story/news/local/2017/12/12/millsboro-area-neighbors-dont-trust-mountaire-clean-their-water/944250001/](https://www.delawareonline.com/story/news/local/2017/12/12/millsboro-area-neighbors-dont-trust-mountaire-clean-their-water/944250001/))

[Mountaire offers to dig new wells for 88 Millsboro-area neighbors; some aren't appeased](https://www.delawareonline.com/story/news/local/2017/12/16/mountaire-offers-dig-new-wells-88-millsboro-area-neighbors/957918001/) ([/story/news/local/2017/12/16/mountaire-offers-dig-new-wells-88-millsboro-area-neighbors/957918001/](https://www.delawareonline.com/story/news/local/2017/12/16/mountaire-offers-dig-new-wells-88-millsboro-area-neighbors/957918001/))

January 2018: [Lawyers answer residents' calls for information about pollution](https://www.delawareonline.com/story/news/local/2018/01/12/lawyers-answer-residents-calls-information-millsboro-area-pollution/1024731001/) ([/story/news/local/2018/01/12/lawyers-answer-residents-calls-information-millsboro-area-pollution/1024731001/](https://www.delawareonline.com/story/news/local/2018/01/12/lawyers-answer-residents-calls-information-millsboro-area-pollution/1024731001/))

[Mountaire Farms: Tainted neighborhood wells not our fault](https://www.delawareonline.com/story/news/local/2018/01/17/mountaire-farms-legacy-pollutants-not-its-recent-spills-cause-tainted-wells/1038753001/) ([/story/news/local/2018/01/17/mountaire-farms-legacy-pollutants-not-its-recent-spills-cause-tainted-wells/1038753001/](https://www.delawareonline.com/story/news/local/2018/01/17/mountaire-farms-legacy-pollutants-not-its-recent-spills-cause-tainted-wells/1038753001/))

March 2018: [Lawyers threaten federal lawsuit to hold chicken plant accountable](https://www.delawareonline.com/story/news/local/2018/03/28/lawyers-threaten-federal-lawsuit-hold-delaware-chicken-plant-accountable-pollution/447524002/) ([/story/news/local/2018/03/28/lawyers-threaten-federal-lawsuit-hold-delaware-chicken-plant-accountable-pollution/447524002/](https://www.delawareonline.com/story/news/local/2018/03/28/lawyers-threaten-federal-lawsuit-hold-delaware-chicken-plant-accountable-pollution/447524002/))

April 2018: [Mountaire Farms gets state permit, denies causing well contamination](https://www.delawareonline.com/story/news/local/2018/04/04/mountaire-farms-gets-state-permit-denies-causing-well-contamination/484859002/) ([/story/news/local/2018/04/04/mountaire-farms-gets-state-permit-denies-causing-well-contamination/484859002/](https://www.delawareonline.com/story/news/local/2018/04/04/mountaire-farms-gets-state-permit-denies-causing-well-contamination/484859002/))

[Report: Mountaire has contaminated water near its Millsboro-area plant for years](https://www.delawareonline.com/story/news/local/2018/04/09/report-mountaire-has-contaminated-water-near-its-millsboro-area-plant-years/499918002/) ([/story/news/local/2018/04/09/report-mountaire-has-contaminated-water-near-its-millsboro-area-plant-years/499918002/](https://www.delawareonline.com/story/news/local/2018/04/09/report-mountaire-has-contaminated-water-near-its-millsboro-area-plant-years/499918002/))

May 2018: [Delaware chicken plant faces second threat of federal lawsuit](https://www.delawareonline.com/story/news/local/2018/05/03/delaware-lawyers-allege-sussex-chicken-plant-violated-federal-laws/573132002/) ([/story/news/local/2018/05/03/delaware-lawyers-allege-sussex-chicken-plant-violated-federal-laws/573132002/](https://www.delawareonline.com/story/news/local/2018/05/03/delaware-lawyers-allege-sussex-chicken-plant-violated-federal-laws/573132002/))

June 2018: [DNREC wants consent decree for Mountaire Farms](https://www.delawareonline.com/story/news/2018/06/04/dnrec-wants-consent-decree-mountaire-farms/670877002/) ([/story/news/2018/06/04/dnrec-wants-consent-decree-mountaire-farms/670877002/](https://www.delawareonline.com/story/news/2018/06/04/dnrec-wants-consent-decree-mountaire-farms/670877002/))

[Class action lawsuit claims 'egregious' water standard violations by Mountaire](https://www.delawareonline.com/story/news/2018/06/13/mountaire-hit-class-action-lawsuit/698368002/) ([/story/news/2018/06/13/mountaire-hit-class-action-lawsuit/698368002/](https://www.delawareonline.com/story/news/2018/06/13/mountaire-hit-class-action-lawsuit/698368002/))

6/20/2019

Progressives accuse Mountaire of poisoning Delaware point to Trump ties

Mountaire's troubles mount as company is hit with lawsuits over water pollution claims ([/story/news/local/2018/06/28/mountaire-farms-faces-new-lawsuit-water-contamination/723535002/](https://www.delawareonline.com/story/news/local/2018/06/28/mountaire-farms-faces-new-lawsuit-water-contamination/723535002/))

February 2019: Chicken plant spilled up to 1 million gallons of wastewater, state says ([/story/news/local/2019/02/13/delaware-chicken-plant-facing-lawsuits-spills-wastewater/2864817002/](https://www.delawareonline.com/story/news/local/2019/02/13/delaware-chicken-plant-facing-lawsuits-spills-wastewater/2864817002/))

Contact Jessica Bies at (302) 324-2881 or jbies@delawareonline.com. Follow her on Twitter @jessicajbies.

DIG DEEPER

Today's top stories



- Tens of thousands have to get to Firefly somehow, so get ready for the traffic
(https://www.delawareonline.com/story/news/traffic/2019/06/18/firefly-2019-light-up-so-get-ready-traffic-delaware/1475583001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=2732452002)
- Why does a duPont mansion have a stone wall topped with jagged glass shards?
(http://www.delawareonline.com/story/life/2019/01/09/family-feud-behind-du-pont-glass-shard-topped-wall/1890039002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=2732452002)
- Why officials want to reduce Philadelphia Pike to two lanes
(https://www.delawareonline.com/story/news/2019/06/19/why-delddot-wants-narrow-philly-pike/1497621001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=2732452002)

Read or Share this story: <https://www.delawareonline.com/story/news/2019/06/20/progressives-accuse-mountaire-trump-donor-poisoning-delaware/1501088001/>

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

JOSEPH BALBACK, Individually and as :
Husband to JOAN BALBACK and JOAN :
BALBACK, Individually and as wife to :
JOSEPH BALBACK, et al. :
Plaintiffs, :
v. : C.A. No.: S18C-06-034 RFS
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC. and :
MOUNTAIRE CORPORATION, :
Defendants. :

JOHN ALBRIGHT, JAY ASHTON :
ALBRIGHT and DINA MORRISON, :
Plaintiffs, : C.A. No.: S18C-08-033 RFS
v. :
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC., and :
MOUNTAIRE CORPORATION, :
Defendants. :

RICHARD DAVIS, :
Plaintiffs, :
v. : C.A. No.: S19C-04-035 RFS
MOUNTAIRE FARMS OF DELAWARE, :
INC., MOUNTAIRE FARMS INC., and :
MOUNTAIRE CORPORATION, :
Defendants. :

NOTICE OF MOTION

TO: Thomas C. Crumplar, Esquire
Raeann Warner, Esquire
Jacobs & Crumplar, P.A.
750 Shipyard Drive, Suite 200
Wilmington, DE 19801

PLEASE TAKE NOTICE that the undersigned counsel will present Defendants' Motion for a Gag Order to Commissioner Alicia B. Howard on Friday, August 16, 2019 at 11:00 a.m.

PHILLIPS, GOLDMAN, McLAUGHLIN
& HALL, P.A.

/s/ Robert S. Goldman

John C. Phillips, Jr., Esquire (#110)
Robert S. Goldman, Esquire (#2508)
Lisa C. McLaughlin, Esquire (#3113)
1200 North Broom Street
Wilmington, DE 19806
Telephone: 302-655-4200

-and-

F. Michael Parkowski, Esquire (#7)
Michael W. Teichman, Esquire (#3323)
Elio Battista, Jr., Esquire (#3814)
PARKOWSKI, GUERKE & SWAYZE, P.A.
1105 North Market Street, 19th Floor
Wilmington, DE 19891
Telephone: 302-594-3300

Attorneys for Defendants

Dated: August 2, 2019